

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DAVID LESINSKI,

Plaintiff,

v.

Case No.:

HON:

SST, INC.,

Defendant

DAVID LESINSKI
IN PRO PER
7601 Monroe Street
Taylor, MI 48180

COLLINS EINHORN FARRELL ULANOFF, P.C.
DEBORAH A. LUJAN (P46990)
Attorneys for SST, INC.
4000 Town Center, Suite 909
Southfield, MI 48075
(248) 355-4141

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, comes defendant, Systems & Services Technologies, Inc. ("SST"), improperly identified as SST, Inc., which hereby removes from the 23RD Judicial District Court, State of Michigan, the following described lawsuit, and respectfully states as follows:

1. SST is the only defendant in a civil action filed by plaintiff, David Lesinski, in the 23rd Judicial District Court, State of Michigan captioned as *David Lesinski v. SST, Inc.*, Case No. 12-02-2777SC (hereinafter the "State Court Action").

2. Pursuant to 28 U.S.C. §§ 1441 and 1446, SST removes the State Court Action to this Court, which is the federal judicial district in which the State Court Action is pending.

3. The complaint in the State Court Action (hereinafter the “State Court Action Complaint”) asserts claims under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1692, *et seq.*

4. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, this Court would have original, federal question jurisdiction over plaintiff’s FCRA claims per 28 U.S.C. § 1331 and 15 U.S.C. § 1692k.

5. SST was served with summons and the State Court Action Complaint on June 29, 2012. This Notice of Removal is filed within 30 days of receipt of the State Court Action Complaint by SST and is therefore timely filed under 28 U.S.C. § 1446(b).

6. A copy of all process, pleadings and orders served upon SST in the State Court Action is being filed with this Notice and is attached hereto as Exhibit A.

WHEREFORE Systems & Services Technologies, Inc. removes the case styled *David Lesinski v. SST, Inc.*, Case No. 12-02-2777SC, from the 23rd Judicial District Court, State of Michigan, on this 25th day of July, 2012.

Respectfully submitted,

/s/Deborah A. Lujan

Deborah A. Lujan (P46990)

Collins, Einhorn, Farrell & Ulanoff, P.C.

4000 Town Center, Suite 909

Southfield, MI 48075

Telephone: (248) 355-4141

Facsimile: (248) 355-2277

Email: Deborah.Lujan@ceflawyers.com

Dated: July 26, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically with the Clerk of the Court on July 26, 2012, to be served by operation of the Court's electronic filing system upon the following via Federal Express and U.S. mail for parties not registered with CM/ECF, on July 26, 2012:

David Lesinski
7601 Monroe
Taylor, Michigan 48180
Plaintiff Pro Se

Clerk of the Court
23rd District Court
23365 Goodard Road
Taylor, MI 48180-4163

/s/Deborah A. Lujan

Deborah A. Lujan (P46990)
Collins, Einhorn, Farrell & Ulanoff, P.C.
4000 Town Center, Suite 909
Southfield, MI 48075
Telephone: (248) 355-4141
Facsimile: (248) 355-2277
Email: Deborah.Lujan@ceflawyers.com

Dated: July 26, 2012

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DAVID LESINSKI,

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Case No.:

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IN PRO PER
7601 Monroe Street
Taylor, MI 48180

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DEBORAH A. LUJAN (P46990)
Attorneys for SST, INC.
4000 Town Center, Suite 909
Southfield, MI 48075
(248) 355-4141

CERTIFICATE OF COMPLIANCE

Undersigned counsel for defendant, Systems & Services Technologies, Inc. ("SST"), certifies that in compliance with 28 U.S.C. § 1446(d) a copy of the Notice of Removal in the above-numbered and captioned matter was filed with the Clerk of the 23rd Judicial District Court, State of Michigan. This filing occurred on July 25, 2012.

Undersigned counsel further certifies that, in compliance with 28 U.S.C. § 1446(d), written notice of the removal was also given to all parties in this action, along with a copy of the Notice of Removal filed in this Court. This notice was given on July 25, 2012 to all of the parties named above as plaintiffs in this action or to their attorneys of record via Federal Express.

Respectfully submitted,

/s/Deborah A. Lujan

Deborah A. Lujan (P46990)

Collins, Einhorn, Farrell & Ulanoff, P.C.

4000 Town Center, Suite 909

Southfield, MI 48075

Telephone: (248) 355-4141

Facsimile: (248) 355-2277

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Dated: July 26, 2012

EXHIBIT "A"

Original - Court (with instructions)
 1st copy - Defendant (with instructions)
 2nd copy - Plaintiff (with instructions)
 3rd copy - Return (with proof of service)

Approved, SCAO

STATE OF MICHIGAN
 23rd JUDICIAL DISTRICT

AFFIDAVIT AND CLAIM
 Small Claims

CASE NO.

12-02-2777 SC

Court address

23365 Goddard Road, Taylor, MI 48180-4197

Court telephone no.

(734) 374-1328

See instructions on the back of plaintiff and defendant copies.

1. DAVID J. SANCHEZ
 Plaintiff
7601 ACORN
 Address
TAYLOR, MI 48180
 City, state, zip
616/711-1100
 Telephone no.

2. SST INC.
 Defendant
435 ALLEN RD
 Address
GAITHERSBURG, MI 48133
 City, state, zip
313/281-1100
 Telephone no.

NOTICE OF HEARING

For Court Use Only

The plaintiff and the defendant must be in court on

Day _____ Date _____
 at _____ at ☒ the court address above.
 Time _____

☐ Location _____
 Fee paid: \$ _____

Process server's name

☐ 3. A civil action between these parties or other parties arising out of the transaction or occurrence alleged in this complaint has been previously filed in _____ Court. The case number, if known, is _____.
 The action ☐ remains ☐ is no longer pending.

4. I have knowledge or belief about all the facts stated in this affidavit and I am
☒ the plaintiff or his/her guardian, conservator, or next friend. ☐ a partner. ☐ a full-time employee of the plaintiff.

5. The plaintiff is ☒ an individual. ☐ a partnership. ☐ a corporation. ☐ a sole proprietor. ☐ Other _____

6. The defendant is ☐ an individual. ☐ a partnership. ☒ a corporation. ☐ a sole proprietor. ☐ Other _____

7. The date(s) the claim arose are 6/14/12
 Attach separate sheets if necessary

8. Amount of money claimed is \$ 2000.00 (NOTE: Plaintiff's costs are determined by the court and awarded as appropriate. They are not part of the amount claimed.)

9. The reasons for the claim are DEFENDANT PLACED A DISPUTED ITEM ON MY CREDIT CARD. DEFENDANT SPAMMED MY ADDRESS IN TAYLOR, MI

10. The plaintiff understands and accepts that the claim is limited to \$3,000.00 by law and that the plaintiff gives up the rights to (a) recover more than this limit, (b) an attorney, (c) a jury trial, and (d) appeal the judge's decision.

11. I believe the defendant ☒ is ☐ is not mentally competent. I believe the defendant ☒ is ☐ is not 18 years or older.

12. ☐ I do not know whether the defendant is in the military service. ☒ The defendant is not in the military service.
☐ The defendant is in the military service.

Signature

Subscribed and sworn to before me on 6-18-12, _____ County, Michigan.

My commission expires:

Date

Signature:

Deputy clerk/Notary public

Notary public, State of Michigan, County of _____

The defendant(s) must be served by 9-17-12

Expiration date